San Diego, as well as two in the western district of Texas. The western district of North Carolina receives one. It converts four temporary judgeships to permanent judgeships: One in the central district of Illinois, the northern district of New York, the eastern district of Virginia. And it creates seven new temporary judgeships, one in each of the northern districts of Alabama, Arizona, central district of California, southern district of Florida, district of New Mexico, western district of North Carolina, eastern district of Texas. It extends the temporary judgeship in the northern district of Ohio for 5 years.

I have heard Members of this body implore the Judiciary Committee about the need for additional judgeships. The Southern District court in San Diego, for example, has the heaviest caseload in the nation. This court has operated in a state of emergency since September, 2000. The Southern District handles complex litigation as well as major drug cases that emanate from the closeness of San Diego to the Mexican border. The district is relying on temporary and senior judges. The bench has been close to real catastrophe. This bill finally brings relief.

This bill improves civil justice; has motor vehicle franchise fairness; the Radiation Exposure Compensation Act; and the Antitrust Technical Corrections Act. There are a number of things in this bill to improve immigration procedures: The J–1 visa program, the H–1B visas, help to children, and more.

I conclude by noting that this bill is not unrelated to our present place in time. It is not unrelated to the need to protect our borders, to seeing that our nation has adequate border security, to seeing that FBI agents have hazardous duty pay, and to seeing that our visa program is improved. The bill provides authorization for the payment to State and local jurisdictions for the incarceration of illegal immigrants and for the addition of additional judgeships. It is a very important bill.

Again, I particularly thank the Chairman and the Ranking Member. Without them, this bill would not be on the floor today. It is a very important bill. I urge an ''aye'' vote.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JO-ANNE COE

Mr. DASCHLE. Mr. President, last week we regrettably learned of the passing of Jo-Anne Coe. She served the Senate and Senator Dole for many years. She was an admirable public servant.

From 1985 to 1987, during the 99th Congress, she became the Senate's first woman to serve as Secretary of the Senate. Our condolences and prayers go out to her daughter Kathryn Coombs, her niece Kindra, her nephew Kevin, and of course to our former colleague. Senator Bob Dole not only had an ally, a friend, a staff person, he had someone who was his presence on the floor on so many occasions. We regret her loss, not only the loss of an employee, not only the loss of an important public servant, but the loss of a friend.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, there will be no further rollcall votes today. I yield the floor.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT—CONFERENCE REPORT—Continued

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 2215, the 21 Century Department of Justice Appropriations Authorization Act.

Harry Reid, Jeff Bingaman, Jean Carnahan, Hillary Clinton, Thomas Carper, Richard Durbin, Paul Sarbanes, Daniel Inouye, Bill Nelson of Florida, Jack Reed, Patrick Leahy, Benjamin Nelson of Nebraska, John Edwards, Tim Johnson, Joseph Lieberman, Byron Dorgan, Tom Daschle.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I want to speak briefly on the reauthorization conference report that is before the Senate today. There are many parts of this legislation I want to talk about. One part that is very important to me is the new judgeships that would be created in the border areas of our country, including two new district judgeships in the western district of Texas, and one temporary judgeship in the eastern district of Texas.

The conference report contains language that Senator FEINSTEIN and I put forward because of the judicial emergencies that we find in our States. Largely in the border regions, we have had an onslaught of caseload that has made it very difficult for our judges to not even stay even but just to try to handle the most important cases. So we have been trying to add some judgeships, both in California and in Texas, to relieve some of this emergency.

The judgeships in the western and eastern districts of Texas have been declared ''judicial emergencies'' by the nonpartisan Judicial Conference of the United States. The creation of new judgeships will certainly bring much needed relief.

Of all the courts in the country that are desperate for judges, the United States-Mexico border courts have the most critical need. According to the statistics from last year, the western district of Texas handles the most criminal cases in the country; last year, 4,434.

Currently, the western district of Texas is facing a criminal caseload of 1,987 pending cases; that is 2,758 defendants. In El Paso, 884 cases are pending overall—more than any other region in the district. Each day, more cases are added, overwhelming an already overburdened western district.

As our war against terrorism is advancing, as well as our war against drugs, it is even more crucial we have highly qualified judges and law enforcement officials in charge of our justice system.

Mr. President, I really appreciate the fact that we do have a cloture motion on this conference report. I hope very much we will be able to pass this legislation and create these courts. Hopefully, they will be able to be up and running sometime next year and try to bring justice. Justice delayed is justice denied in many instances. We would like to clear out the backlog and let people face trials and either serve their sentences or, if they are acquitted, of course, allow them to go free. Right now, they are incarcerated, and it is creating not only a burden on the court system but on the prison system. Many of our county prisons and State prisons are overloaded and trying to help with the backlog, but it is very hard for these counties to justify the costs when they do not get full reimbursement.

So we would appreciate passing this bill so we could get these courts. I hope the Senate will act expeditiously on this bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to speak a few minutes on the Department of Justice conference report that is before the Senate.

The Department of Justice is one of the great Departments of our Government. It is one of the oldest, one of the

original Departments. I served in that Department for 15 years. It was the greatest honor for me. I believe it has worked, and I believe, all in all, this bill is a healthy bill. I am pleased to support it.

It came out of the Judiciary Committee on which I serve, and we talked about many of the issues. Hopefully, when the dust settles, the bill we pass will strengthen justice in America. I am pleased with that.

There is one provision that came out of this conference committee, however, with which I am not pleased. It was not in the Senate bill; it was not in the House bill. It was placed in the conference report without having been passed by either body, which is against the tradition of the Senate and the House. This should not be done. It is normally not done.

That provision deals with automobile dealers and arbitration clauses they have with automobile manufacturers. The truth is, most automobile dealers today are pretty sizable entities. They have lawyers. They negotiate these contracts when they have an agreement with a big company. It requires arbitration apparently in most of these contracts. They reject it. They want to alter this right of contract and eliminate it. I objected to it in committee.

I believe the question of binding arbitration is one that requires a good deal of thought. I believe pretty strongly that if we are going to change arbitration law in America to exempt people from binding arbitration, I am not sure the first place we should start is between automobile dealers and automobile manufacturers. That seems to me to be an odd place to start. There was not a lot of thought put into it. There are disputes and arguments between the dealers and the manufacturers, and the dealers believe they will have a better chance in court, if they can try the case at home, in a lawsuit, probably throwing some claims in that lawsuit. They want to do it that way.

Apparently, most of our colleagues agreed; an overwhelming number of people supported the amendment. It is now included in the bill.

I say that because I earlier introduced an arbitration bill that focuses on improving arbitration across the board. It was a broad bill and had a lot of positive changes in it. I will be introducing today another, even more comprehensive, bill to deal with arbitration. I will not go into all the details of it, but I call this bill the Arbitration Fairness Act of 2002, and it will continue the changes we offered in the 106th Congress when I introduced the consumer and employee arbitration bill of rights.

This will be a broader procedure. It will deal with the question of Federal arbitration. Congress enacted the Federal Arbitration Act in 1925. It has served us well for three-quarters of a century.

Under the act, if parties agree to a contract affecting interstate commerce that contains a clause requiring arbitration, the clause will be enforceable in court. That is the fundamental issue with which we have been dealing.

My State has had a lot of debate about arbitration. It is healthy to look at what we did 75 years ago. We found there are legitimate complaints about arbitration. Our act, a bill of rights of protections for people who are involved in arbitration, I think will take us a step in the right direction.

It will maintain cost-benefits of arbitration. Many times it is quite cost-effective to arbitrate, but there are instances in which arbitration costs more and is more of a headache than perhaps going to small claims court or other courts.

There have been some concerns that the arbitrators under these agreements are not independent and the corporation or the larger entity has too much power in selecting who might arbitrate.

The bill provides the following rights:

No. 1: Notice. Under the bill, an arbitration clause, if it is to be enforceable, would have to have a heading in large, bold print that states whether arbitration is binding or optional and identify a source that the parties may contact for more information and state that a consumer could opt out and go to small claims court.

In other words, when you have an arbitration, you have to pay the arbitrators. Both parties have to go. Many States have effective small claims courts where you file a $25 fee and an independent judge will hear the case. Sometimes that is better. This would allow an opt-out for a person who is involved in an arbitration matter if they choose and if they qualify for the small claims court. That probably is healthy.

It would eliminate a lot of the complaints we have heard about over a small item, say a television or sofa or refrigerator, that could cost more to arbitrate than the merchandise is worth. This would at least give that option, so a party could opt out if it chose.

No. 2: The independent selection of arbitrators. The bill would grant all parties the right to have potential arbitrators disclose relevant information concerning their business ties and employment. All parties to the arbitration would have an equal voice in selecting a neutral arbitrator.

This ensures that the large company that sold a consumer product will not select the arbitrator itself because the consumer with a grievance will have the right to nominate potential arbitrators, too. As a result, the final arbitrator selected will have to have the explicit approval of both parties to the dispute. This means the arbitrator will be a neutral party with no allegiance to either party. There are some instances when that has not been the case.

We deal with choice of law. We make clear that parties can be represented by counsel at their own expense. It guarantees that all parties will have a fair hearing in a forum that is reasonably convenient to the consumer or employee to prevent a large company, for example, from requiring a consumer or an employee or small business owner to travel across the country to arbitrate a claim.

The bill grants to all parties the right to conduct discovery and present evidence; to have cross-examination; that there should be a tape recording or a stenographer to make a record of the hearing, and that there would be a timely resolution. That is important.

One of the reasons we choose arbitration is for timely resolution. There have been complaints that these have not been timely and in fact have been just as long, in some instances longer, as going to court.

Under the bill, the defendant must file an answer within 30 days of the filing of a complaint. The arbitrator has 90 days to hold a hearing and must render a decision within 30 days after the hearing. That would be the maximum time that would be allowed. It would require a written decision. As to expenses, it grants all parties the right to have an arbitrator provide for reimbursement of arbitration fees in the interest of justice; the reduction, deferral, or waiver of arbitration fees in cases of extreme hardship; and also the small claims opt-out.

This is a Department of Justice bill that I believe has some good things in it. It has 20 new Federal judges, pretty much selected on a need all across America. Some States are really in crisis, such as California and they need some additional district judges. We need several in Alabama. It has that in there.

It has a body armor bill that Senator FEINSTEIN and I worked on that says if you deal with such a violent criminal who is involved in a serious crime, who wears body armor while they are committing that crime, then the judge is authorized to give a more substantial penalty where that occurs and make it a separate offense for wearing body armor during the commission of a felony.

We had an instance in my State, and Senator FEINSTEIN in California, in which a criminal actually wore body armor and killed a law enforcement officer, thereby gaining an advantage in weaponry by being so protected.

There are some other provisions in the bill that are good. We strengthen the Coverdell Act that deals with forensic laboratories. In my view, as a prosecutor for many years, perhaps the greatest single bottleneck in justice today is a delay that so often occurs in obtaining scientific analysis of evidence. A prosecutor cannot go forward with a case involving cocaine, white powder, until some chemist reports that it is actually cocaine. Most prosecutors probably will not take it to a grand jury until they have that chemical report.

If there are fingerprints, an analysis is needed. If there is a weapon involved, the ballistics need to be examined. If there are DNA issues, DNA is needed. If there has been a rape, the DNA analysis and blood samples are needed. Those are procedures that are being delayed.

In my State, we saw delays of as much as a year or more in actually receiving the scientific analysis. On a routine basis, that is happening around America. It is important we assist in that. The bill we named after former Senator Paul Coverdell—who was such a wonderful Member of this body, a bill he worked on before his death—would help strengthen that.

I believe we are moving in the right direction, and I would like to see the Federal Government take a stronger lead in encouraging the States to move forward on forensic capabilities.

We spend huge amounts of money on prisons. We spend huge amounts of money on probation officers. We spend huge amounts of money on sheriffs' deputies, police officers, prosecutors, judges, and juries, but we are spending only a pittance on getting our scientific evidence produced in an honest and effective way. As a result, justice is being delayed. And justice delayed is justice denied.

Recently, in Alabama, we had probably the most horrendous crime ever. A man killed six members of one family. The newspaper reported he was out on bail pending trial. The prosecutor said they were waiting on the chemical analysis of the drugs he had been arrested with. Had that come in promptly, had he been indicted, gone to trial, and been in jail, six people would probably be alive today.

That is occurring around America today. Make no mistake about it, it is something we need to do to improve. It is primarily a State function, but this Government does a lot to encourage and help States do better, and we really ought to step it up in this area.

I yield the floor.

Mr. GRAHAM. Mr. President, I commend Senator LEAHY and Senator HATCH for their hard work on the Department of Justice authorization bill. This bill will strengthen our Department of Justice and increase our preparedness against terrorist attacks, prevent crime, and improve our intellectual property and antitrust laws.

However, I am disappointed that the ecstasy provisions I sponsored in the Senate version were removed in the conference committee. These provisions would have directed the National Institute on Drug Abuse, NIDA, to continue researching and evaluating the effects of ecstasy on an individual's health and authorized money to the High Intensity Drug Trafficking Areas, HIDTA, program for combating ecstasy use.

I am concerned that ecstasy has become the ''feel good'' drug of choice among many of our young people and drug pushers are marketing it as a ''friendly'' and ''safe'' drug to mostly teenagers and young adults. But we know this is not true.

Just last week a new study conducted by researchers at John Hopkins University found that a single use of ecstasy could seriously harm the brain and put users at risk of damage that mimics Parkinson's disease.

I ask unanimous consent that the following article from Reuters titled, ''Ecstasy's Brain Drain Possibly Wider Than Thought,'' be printed in the CONGRESSIONAL RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, several recent studies have also revealed an alarming increase in the availability and abuse of ecstasy across the United States.

According to the Partnership for Drug Free America's 2001 National Survey, more teens in America have now experimented with Ecstasy than cocaine, crack or heroin. Approximately 2.8 million teenagers in America, roughly one of every 11 teens in the Nation, have now tried ecstasy.

Even the Armed Services have been impacted by this dangerous drug. In July 2002, 82 marines and soldiers at Camp Lejeune, NC, were convicted in a military court for either using or distributing ecstasy.

Despite the abundant evidence to the contrary, young people have been lulled into believing that ecstasy and other designer drugs are safe ways to get high without risking addiction or physical harm.

As legislators, we have a responsibility to stop the proliferation of this potentially life threatening drug. I remain firmly committed to working on legislation to combat this dangerous drug and I appreciate my colleagues' willingness to work with me to pass this legislation next year.

EXHIBIT 1

ECSTASY'S BRAIN DRAIN POSSIBLY WIDER THAN THOUGHT

(By Amy Norton)

NEW YORK (Reuters Health).—The club drug Ecstasy may damage a broader range of brain cells than most research has suggested, according to a new study in monkeys.

Researchers at Johns Hopkins University found that one round of the drug, designed to simulate what many Ecstasy users take in a night, was toxic to dopamine-producing cells in the brain. Dopamine is a brain chemical that helps regulate mental and emotional functions, as well as movement. This is the first time Ecstasy has been shown to have such dopamine effects in primates.

Previous studies in animals and humans had shown the drug to selectively affect brain cells that carry out the work of serotonin, a chemical involved in mood, memory and other vital functions. Both serotonin-cell loss and memory problems have been found in regular users of Ecstasy, also known as MDMA.

Similarly, monkeys and baboons in the new study showed damage to the serotonin system. But the dopamine effects, which were even more substantial, were ''totally unexpected,'' lead author Dr. George A. Ricaurte told Reuters Health.

He and his colleagues at the Baltimore, Maryland university report the findings in the September 27th issue of Science.

According to the researchers, these findings are particularly concerning because dopamine is vital to movement, and a loss of dopamine brain cells is known to be involved in Parkinson's disease (news-web sites) and the related movement disorder parkinsonism.

Of course, whether the primate findings extend to humans at all is unknown, Ricaurte pointed out.

''Clearly,'' he said, ''most MDMA users have not developed parkinsonism.''

Still, the researcher added, if the drug does have dopamine effects in humans, this raises the possibility that with age and its accompanying, natural dopamine decline, Ecstasy users could face a heightened risk of parkinsonism.

Before this study, only mice had been shown to have dopamine effects after Ecstasy exposure, making mice ''an enigma'' in the field, Ricaurte said. His team's working hypothesis, he explained, is that the pattern of MDMA exposure in this primate study is behind the dopamine damage.

The animals were given three does of the drug at 3-hour intervals, in an amount and time frame designed to simulate what often goes on at ''raves''—all-night dance parties where Ecstasy use is pervasive.

It may be that taking multiple does in a night, known as ''stacking,'' is required for dopamine damage to occur, according to Ricaurte, but there's no evidence of that yet.

And whether any dopamine-cell loss would be lasting in humans is also unknown. In this study, primates showed ''profound'' dopamine-cell loss 2 to 8 weeks after Ecstasy exposure, according to the researchers.

''We were struck by the severity of the dopaminergic injury, ''Ricaurte said.

To begin to see whether such injury occurs in humans, his team plans to take brain scans of former Ecstasy users to look for signs of dopamine depletion.

In a statement released in response to the study, Dr. Glen R. Hanson, acting director of the US National Institute on Drug Abuse, said the findings ''are cause for concern and should serve as warning to those thinking about using Ecstasy.''

Earlier this month, US health officials reported that the number of Americans using Ecstasy went up 25% between 2000 and 2001.

Mr. KOHL. Mr. President, I rise today in strong support of the Department of Justice reauthorization bill. The reauthorization of the Department of Justice and all of its component parts is long overdue. In particular, this bill is important because it reauthorizes the Incentive Grants for Local Delinquency Prevention Program, Title V, which is the cornerstone of our national juvenile crime prevention strategy. Senator LEAHY deserves special mention for recognizing the importance of juvenile justice policy and waging a successful fight to reauthorize many important programs.

Effective prevention programs are critical to any juvenile crime strategy, and title V is one of the programs that deserve our support. Let me tell you why. It relies on local communities, who know their needs better than the Federal Government, to identify solutions tailored to local problems. Communities qualify for funds only if they

establish local boards to design long-term strategies for combating juvenile crime, and if they match Federal funds with a 50-percent local contribution.

And, title V works. Participating communities, from 49 States, believe in this program so much that, according to the GAO, they've matched Federal money almost dollar-for-dollar, far more than the 50-percent match this program requires. In addition, studies confirm that many of these programs have reduced crime in cities across the Nation. A program that can motivate communities both to cooperate in improving safety and to collect the resources to do so is one that really works.

I would also like to commend the conferees for including in the final bill important provisions from S. 1165, the Biden-Kohl-Reed-Landrieu-Daschle Juvenile Crime Prevention and Control Act. Senator BIDEN has always been a leader on juvenile crime control issues and it has been a pleasure to work with him. This bill understands the importance of federal assistance to our communities in the area of juvenile crime control and delinquency prevention programs.

Finally, on a different issues, I am pleased that the bill makes several needed technical corrections to the Nation's antitrust laws. It will also eliminate unnecessary and unused antitrust review authority placed in the Nuclear Regulatory Commission, and will therefore further our goal to consolidate antitrust oversight.

Again, I applaud the Senate's consideration and passage of this important legislation.

Mrs. CARNAHAN. Mr. President, I rise today to express my support for passage of the 21st Century Department of Justice Appropriations Authorization Act, H.R. 2215. I applaud Chairman LEAHY, who along with his staff, has put in long hours to complete this bill. It is my hope that the conference report, which has passed the House by a vote of 400–4, will pass the Senate today.

I am pleased that H.R. 2215 includes the Law Enforcement Tribute Act, a bill I introduced. The Law Enforcement Tribute Act authorizes $3 million in grant funding to States, localities, and Indian tribes to provide for permanent tributes to the police officers and firefighters who have been injured or killed in the line of duty. I have been contacted by numerous law enforcement and public safety organizations that have voiced their support for the bill, including the National Association of Police Organizations, the International Association of Fire Fighters, the Missouri Fraternal Order of Police, and the Missouri Police Chiefs Association. These organizations believe, as I do, that it is appropriate for our national Government to help local communities pay tribute to those who have made the ultimate sacrifice.

H.R. 2215 also authorizes language for many programs of critical importance to our nation's security. It authorizes funds to enhance border security and increase domestic preparedness. The bill includes important provisions to strengthen law enforcement, such as FBI reform, and better witness protection. H.R. 2215 improves state and local forensic science capabilities, and implements appropriate sentencing enhancements when defendants use body armor in crimes of violence or drug trafficking crimes.

H.R. 2215 establishes a permanent, separate, and independent Violence Against Women Office within the Justice Department, similar to S. 570, which I cosponsored. It also authorizes $30 million for the Crime-Free Rural States program to make grants to rural States to help local communities prevent and reduce crime, violence, and substance abuse. H.R. 2215 reauthorizes the Juvenile Justice and Delinquency Prevention Act, and preserves the core protections that ensure juvenile delinquents are dealt with firmly but fairly.

Support for these law enforcement programs comes at an important time. Crime rates, which had fallen to record lows during the 1990's, have begun to creep up, and our Federal, State, and local law enforcement agencies have had new and important responsibilities placed on them following the September 11 attacks. So, I am extremely pleased that we are expressing our support and providing resources that will make a real difference in increasing the personal security of all Americans.

Mr. KENNEDY. Mr. President, I strongly support this bipartisan legislation. The fact that it is now before the Senate for a final vote is primarily due to the skill, patience, and determination of our colleagues on the Senate and House Judiciary Committees, especially Chairman LEAHY, Senator HATCH, Chairman SENSENBRENNER, and Congressman CONYERS, and I commend them for their leadership. They have guided our Senate-House conference with a steady hand and have kept the process moving, even when the prospect of the bill's passage appeared in doubt. As a result, we are about to complete action on a genuinely comprehensive authorization bill for the Department of Justice—something Congress has not managed to enact since 1979.

The need for this legislation is urgent. The terrorist attacks of September 11 made clear that we must strengthen the ability of our justice system to deal with the threat of terrorism. Since September 11, Congress has enacted laws giving law enforcement and intelligence officials enhanced powers to investigate and prosecute terrorism, improving the security of our borders, and strengthening our defenses against bioterrorism.

On May 14, President Bush signed the Enhanced Border Security and Visa Entry Reform Act. The Department of Justice Authorization Act builds on that bipartisan legislation by authorizing over $4 billion for the administration and enforcement of our immigration laws—$3.2 billion of which will be allotted to the Border Patrol. The act authorizes funding for the Drug Enforcement Administration to conduct police training in South and Central Asia, and improves our implementation of the International Convention for the Suppression of Financing Terrorism. These will be important tools in our effort to win the war on terrorism and protect the country for the future.

Here at home, the Department of Justice Authorization Act achieves many important goals: It implements needed reforms of the Federal Bureau of Investigation, including a long-overdue plan to improve the Bureau's outdated computer system. It also provides special danger pay to F.B.I. agents who perform hazardous duties outside the United States.

The bill closes a number of loopholes in our criminal code, and increases the protection of witnesses who report criminal activity. It increases sentences for defendants who use body armor during the commission of violent crimes. It reauthorizes the State assistance program to help States deal more effectively with the problem of criminal aliens. It authorizes funding for the Boys and Girls Clubs of America, including the creation of 1,200 new clubs across the Nation to improve the lives of at-risk youth. It reauthorizes the Juvenile Justice and Delinquency Prevention Act, while preserving the core protections to see that juvenile delinquents are treated fairly and humanely.

It authorizes a number of important drug treatment and prevention programs, including programs to reduce drug dependency among prisoners and to support State and local drug courts. These cost-effective programs will reduce the demand for drugs in America, which President Bush has called ''the most effective way to reduce the supply of drugs in America.''

I am also pleased that this legislation contains a provision to extend H–1B visa status for persons with pending labor certification applications. Unfortunately, this application process now takes years to complete, and is undermining the ability of American companies to keep qualified workers.

The Department of Justice Authorization Act also reauthorizes the Police Corps, a program that I have strongly supported since its creation in 1994, to improve the quality of police training, develop strong community-police partnerships, and produce officers who will take future positions of leadership and responsibility in law enforcement.

The Department of Justice Authorization Act is an impressive bipartisan achievement that will strengthen our justice system and our defenses against terrorism. I commend all the conferees for their effective work.

The House of Representatives overwhelmingly adopted this legislation last week by a vote of 400 to 4, and I urge the Senate to support it now.

Mr. BIDEN. Mr. President, I rise in support of the conference report on H.R. 2215.

With approval of this conference report, we are one step closer to authorizing the operations of the Justice Department for the first time since 1979. I commend the conferees, and particularly the Chairman of the Judiciary Committee Senator LEAHY, for the work they have done on this measure. It will improve the operations of the Department, and in so doing it will strengthen our efforts against terrorism, help protect our borders, and prevent crime and drug abuse.

I would like to highlight a few of the provisions of the conference report that I think are particularly important, beginning with the establishment of the Violence Against Women Office. Today is the first day of Domestic Violence Awareness Month, and it is a fitting tribute to this special month that H.R. 2215 provides this Senate with an opportunity to make our voices heard loud and clear on the importance of continuing the fight against domestic violence, sexual assault and stalking.

A key tool in that fight is the permanent and independent Violence Against Women Office, a proposal I first introduced in the Senate in March, 2001, and now established in the Conference Report. This provision means that the Office will be removed from its current location inside the Office of Justice Programs, and become its own freestanding entity. The bill also sets out the jurisdiction of the Office and the extensive duties and functions of the Director. It also requires that the Director be nominated by the President, confirmed by the Senate and report directly to the Attorney General.

With this bill, the Violence Against Women Office is set out in black and white. Its leadership and agenda cannot be pushed to the sidelines nor marginalized as one of many offices in a large bureau. Instead, this law gives the Violence Against Women Office the foundation and roots it deserves. It will be its own, separate and distinct office within the Department of Justice with a Director who answers only to the Attorney General. This statutory authority is long overdue.

Since we passed my Violence Against Women Act in 1994, the Office has been charged with disbursing billions of dollars to states, localities, tribal governments and private organizations to improve the investigation and prosecution of crimes of domestic violence, sexual assault and stalking; to train prosecutors, law enforcement and judges on the unique aspects of cases involving violence against women; and to offer needed services to victims and their families.

The Violence Against Women Office also handles and coordinates the Department of Justice's legal and policy issues regarding violence against women, everything from enforcing protection orders across State lines to issuing annual reports on stalking. The Office also works with other Federal agencies, such as the Department of Housing and Urban Development, and the Immigration and Naturalization Service about Federal policies, programs, statutes, and regulations that impact violence against women.

It is a tall order for the Violence Against Women Office, and to carry out these critical mandates, we must ensure that the Office has the sufficient visibility, prestige and authority. An independent office will provide just that platform. An independent office will be insulated from any attempts to undo the great work it has historically accomplished. A director nominated by the President and confirmed by the Senate will have the credibility and the bully pulpit to travel this country and get local people to the table. Let me be clear, to meet its mandate, the Violence Against Women Office should not, must not, and cannot be buried within a grant-making bureaucracy.

Since the Violence Against Women Act passed in 1994, we have changed the way folks think about domestic violence and sexual assault. We have hauled these matters out from the closet, and called them their proper names, ''crimes'', crimes that warrant investigation and prosecution with crime victims who desperately need our help. Across the country there are signs that the law is working. Statistics released by the Justice Department last month indicate that rape and sexual assault crimes dropped 8 percent from 2000 to 2001. The New York City Police Department is beginning to use digital cameras to capture the injuries of domestic violence which has drastically improved the way these cases are prosecuted. One of the first trials for cyberstalking is underway in Chicago.

In my home State of Delaware, the Violence Against Women Act and the leadership of the Office have made an enormous impact. Just last week, the STOP grant program, one of several grant programs in the Violence Against Women Act, awarded $85,000 to the Sexual Assault Network of Delaware so that it can formalize community responses to sexual assault crimes and victims. Since 1995, Delaware has received more than 30 grants totaling almost $8.5 million dollars, all of it designated to combat violence against women.

But sadly, we are not done.

The National Violence Against Women Survey reports that nearly 25 percent of women sometime in their lives has been raped or physically assaulted by an intimate partner.

One out of 5 adolescent girls in America becomes victims of physical or sexual abuse in a dating relationship according to a report issued by the Journal of American Medicine.

We still need Domestic Violence Awareness Month this October. And we need the leadership of an independent and separate Violence Against Women Office. I want to thank the Senate conferees, Senators LEAHY, HATCH and KENNEDY, who worked long and hard to get an ensure that the Violence Against Women Office Act was included in the compromise Conference Report, and I thank Senators DEWINE, LEVIN, SPECTER, CARNAHAN, HUTCHISON, MILLER, COLLINS and CARPER who originally joined me when I first introduced a bill for an independent office in March, 2001. And finally, in this first week of Domestic Violence Awareness Month, it is right to give thanks for the tireless efforts of advocates and service providers who support the women and children victimized by domestic violence and sexual assault.

The next point I would like to highlight is that the Conference Report reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974. Congress has tried for over six years to get this job done and as the former Chairman of the Judiciary Committee and the current Chairman of the Subcommittee on Crime and Drugs I am extremely gratified we were able to renew the juvenile justice law here.

Last year, Senators KOHL and REED and I introduced S. 1165, the Juvenile Crime Prevention and Control Act. That bill reauthorized the 1974 Act, authorized the Juvenile Accountability Incentive Block Grant for the first time, and proposed to close the gun show loophole. S. 1165 contained provisions similar to H.R. 1900 and H.R. 863, and provisions complimentary to Senator LEAHY's S. 1174. Major provisions of H.R. 1900, H.R. 863, S. 1165 and S. 1174 are included in this Conference Report today. Provisions from S. 1165 included in the Conference Report will ensure that youth in the juvenile justice system are protected from abuse and assault by adults in adult jails. The Conference Report ensures we will remain focused on preventing juvenile crime before it occurs: it reauthorizes Title V, the Justice Department's juvenile crime prevention grant program. Title V resources have been critical in Delaware to sponsor programs to reduce school violence, provide transition counseling to students returning to their local school from alternative school placement, reduce suspensions, expulsions, truancy, and teen pregnancy, and provide services to the children of incarcerated adult offenders. I compliment Senator KOHL for his steadfast devotion to Title V and for ensuring it is continued through this Conference Report.

The Conference Report adopts provisions of S. 1165 that authorize the Juvenile Accountability Incentive Block Grant. This program was created in the 1998 Commerce Justice State appropriations bill but has never been authorized. It provides resources to States and units of local government so programs can be developed to promote greater accountability in the juvenile justice system. The Conference Report also expands the purposes to which JAIBG funds can be put, for the first time, resources are provided to support proven strategies for rehabilitating adjudicated youth and families

as well as for reducing juvenile re-offense rates. In years past, my state has used JAIBG funds to establish a Serious Juvenile Offender program through the Delaware Division of Youth Rehabilitative Services, which provides an immediate secure placement of violent youth offenders who have violated the terms of their probation. Delaware has also used these funds to expand diversionary programs such as Teen Court and Drug Court, thus reducing the time between arrest and disposition of juvenile offenders, and to add psycho-forensic evaluators in the Delaware Office of the Public Defender to identify and address mental illness as a cause for delinquent conduct. I compliment the conferees for including provisions drawn from S. 1165 and H.R. 863 in this Report.

I would also like to highlight the provisions in the Conference Report that are designed to strengthen Boys and Girls Clubs of America. Provisions here will allow for the establishment of 1,200 additional Clubs across the Nation. This will bring the number of Clubs to nearly 4,000, serving nearly 6 million young people across America.

Finally, this Conference Report also incorporates much of S. 304, the Drug Abuse Education Prevention and Treatment Act, a bill which Senators HATCH, LEAHY and I introduced together. While I am disappointed that many of the bill's drug treatment provisions were dropped in conference, I promise to fight for those provisions again in the next Congress.

I want to draw attention to three of the important provisions from S. 304 that were included in the conference report to address addiction among those in the criminal justice system and make sure that we are doing all we can to keep them from reoffending. Specifically, the conference report reauthorizes two key programs created in the 1994 Biden Crime Law to deal with drug addicts in the criminal justice system, prison-based drug treatment and the drug court program, and includes my ''Offender Reentry and Community Safety Act of 2001,'' which creates demonstration programs to oversee the reintegration of high-risk, high-need offenders into society upon release.

Let me address prison-based drug treatment first. Providing prison-based treatment is not ''soft''; it is smart crime prevention policy as the Key and Crest programs in my home state of Delaware have shown. If we do not treat addicted offenders before they are released, they will return to our streets with the same addiction problem that got them in trouble in the first place, and they are likely to re-offend. This is not my opinion; it is fact. More than 80 percent of inmates with five or more prior convictions have been habitual drug users, compared to approximately 40 percent of first-time offenders. Prison-based treatment programs are a good investment and an important crime prevention initiative.

And so are drug courts. The Federal Government has funded drug courts since 1994 as a cost-effective, innovative way to deal with non-violent offenders who need drug treatment. Rather than just churning people through the revolving door of the criminal justice system, drug courts help these folks get their acts together so they won't be back. When they graduate from drug court programs they are clean and sober and more prepared to participate in society. In order to graduate, they are required to finish high school or obtain a GED, hold down a job, and keep up with financial obligations, including drug-court fees and child-support payments.

Drug courts have been proven effective at keeping offenders with little previous treatment history in treatment, providing closer supervision than other community programs to which the offenders could be assigned, reducing crime and being cost-effective.

Just as treating addicted offenders when they are in the criminal justice system is smart crime policy, so is making sure that high-risk, high-need offenders get reintegrated into society upon release. These individuals have served their prison sentences, but they pose the greatest risk of re-offending because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment and other mental and medical health services they need to successfully re-integrate into society. The demonstration reentry programs created in this conference report will help supervise high-risk people when they are released from jail and make sure they get the services and other support that they need so they won't go back to a life of crime and can be productive members of our society.

Once again, I thank the conferees, Senators LEAHY, HATCH and KENNEDY and their staff, including Bruce Cohen, Beryl Howell, Ed Pagano, Tim Lynch, Steve Dettelbach, Makan Delrahim, Leah Belaire, Wan Kim, Melody Barnes and Robin Toone, for their unfailing support for these provisions, and for their hard work in bringing the Conference Report to the floor.

VIOLENCE AGAINST WOMEN OFFICE

Mr. LEAHY. As you stated earlier, the pending Justice reauthorization conference report establishes an independent Violence Against Women Office, and isn't it true that this Office will be an autonomous and separate office within the Department of Justice and no longer underneath the jurisdiction of the Office of Justice Programs?

Mr. BIDEN. That is absolutely correct. Rather than be one of many offices subsumed in a larger bureau or office, the Violence Against Women Officer will now be its own, separate and distinct entity within the Department of Justice. This provision means that the Office will be removed from its current location in the Office of Justice Programs, and become its own free-standing entity. This is a non-negotiable and unambiguous provision of the act. What this means is that the leadership and the agenda of the Office cannot be pushed to the sidelines or marginalized. You and I both know that ending violence against women is too important of an issue to be relegated to a back office.

Mr. LEAHY. I couldn't agree with you more, Senator. I am particularly pleased that the Violence Against Women Office will now be led by a Director nominated by the President and confirmed by the Senate. How will this provision affect our nation's fight to end domestic violence and sexual assault?

Mr. BIDEN. A director who is nominated by the President and confirmed by the Senate will have the stature, credibility and authority necessary to spearhead the efforts to end violence against women. In practical terms, a director within this sort of clout will attract the attention of key Congressional leaders, will be able to travel the country and bring state leaders to the table for local initiatives, and will be able to command the nation's bully pulpit on these issues. Another key provision in the statute creating the Violence Against Women Office is the explicit instruction that the Director report directly to the Attorney General. Would the Senator agree?

Mr. LEAHY. Yes, the statute is unequivocal. The director shall report directly to the Attorney General—do not pass go, do not get out of jail free. The law is clear that the director is not to report to various deputies or assistants, but rather straight to the Attorney General. That kind of unfettered access to the Attorney General will ensure that issues of violence against women remain in the forefront, and part of the decision-making and policy-development done by those at the highest levels of government, isn't that so?

Mr. BIDEN: That is right. As the former Director of the Violence Against Women Office said: ''There is a world of difference between full participation in the highest levels of decision-making and being buried in a satellite grant office in the Department.'' When the director is out of the leadership circle and placed in a satellite office, the Violence Against Women Office's involvement in activities decrease; for example, it is no longer involved in educating U.S. Attorneys about their role in local communities' efforts to stop violence or it is no longer involved in deciding whether to bring or appeal specific cases. The new Violence Against Women Office Act will be ensure that the Director has the access he or she needs to fully participate—the fight to end violence against women deserves no less.

I thank the Senator for his efforts as our Judiciary Committee Chairman and as a conferee to the Justice Reauthorization Act in moving this important act forward.

Mr. ENZI. Mr. President, I rise in support of the Conference Report for

the U.S. Department of Justice Reauthorization. We are debating legislation that overwhelmingly passed the House last Thursday on a vote of 400–4. It is my hope that it will pass the Senate with an equally strong majority.

I am speaking in support of legislation included in the conference report that protects the rights of motor vehicle dealers, many of which are small businesses, under State law. The provision is identical in substance to Senators HATCH and FEINGOLD's bill, S. 1140, which has bipartisan support of 64 cosponsors. I ask my colleagues to pass this legislation and restore desperately needed rights to small businesses throughout the nation.

S. 1140 is necessary to restore fairness for automobile dealers by preserving their state rights in dispute resolution with manufacturers under motor vehicle dealer contracts. All 50 States, including Wyoming, have enacted laws to regulate the relationship between motor vehicle dealers and manufacturers and curb unfair manufacturer practices. These laws are necessary to protect auto dealers since they must sign contracts with the much larger manufacturers to sell the product. A Supreme Court decision, however, allows manufacturers to skirt these State laws by including mandatory binding arbitration in their dealer contracts.

Congress never intended to strip the State's role in regulating the motor vehicle dealer franchise relationship, but because of the Supreme Court interpretation, states cannot prohibit manufacturers from forcing dealers to waive their state rights and forums. Dealers must sign ''take-it-or-leave it contracts'' drafted by the manufacturer to stay in business, and are vulnerable to manufacturer abuses of power. Since States cannot remedy this problem, Federal legislation is necessary to restore dealers' rights.

Specifically, the legislation included in the conference report States that whenever a motor vehicle franchise contract provides for the use of arbitration to resolve a contractual controversy, arbitration may be used to settle the controversy only if both parties consent in writing after the controversy arises. It also requires the arbitrator to provide the parties with a written explanation of the factual and legal basis for the award.

The arbitration language in the conference report before us is supported by Wyoming automobile and truck dealers and dealers throughout the country because it would merely restore State law. It is consistent with Wyoming law, which does not allow a manufacturer to force a dealer to prospectively waive rights and remedies under State law. I urge my colleagues to pass this legislation and protect our States' interest in regulating the auto dealer/manufacturer relationship.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 4069

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 4069 and the Senate now proceed to its consideration, that it be read the third time and passed, and the motion to reconsider be laid upon the table, all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object. There are individuals on this side who have an objection. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. Mr. President, I appreciate the courtesy of the Senator from Alabama waiting.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPOSING BUDGET ENFORCEMENT RULES

Mr. DASCHLE. Mr. President, yesterday marked the end of the fiscal year, and, absent action by the Senate, it will also mark the end of a fiscal discipline system that has served this country very well for more than a decade.

Earlier this year, we had a chance to pass a budget blueprint for 2003. It was jointly co-sponsored by Senators CONRAD and DOMENICI, the chair and ranking member of the Senate Budget Committee. It received 59 votes. one vote short of passage. It would have done exactly what everyone in this chamber knows we should do. It would have extended the pay-as-you-go rules and the other points of order that have helped enforce at least some measure of fiscal discipline around here since 1990.

When we voted in the spring, many Republicans voted ''no,'' citing the total amount for 2003 discretionary spending. That issue has been removed from the current effort to extend the budget enforcement rules, and there is no longer any plausible reason to oppose a simple extension of the points of order.

Prior to the time President George H.W. Bush signed the budget act into law in 1990, there were no procedural barriers to the most irresponsible fiscal propositions. Spending proposals could be offered without any consideration for offsetting their budgetary affects. Tax cuts could be implemented without the slightest thought for their long-term consequences. Enormous fiscal damage could be inflicted with a simple majority vote.

The 1990 Budget Act ended the bad old days, and it did so with overwhelming bipartisan support. It has subsequently been extended each time it expired whether the Senate was in Democratic or Republican hands.

It should be extended here today.

I think we all know that the budgetary trend of the last year has been profoundly negative. For many years, the two parties have disagreed vehemently about the most fundamental aspects of our country's spending and tax policies—and we will continue to disagree. But the times when we were able to restore fiscal balance, like we did in the 1990s, were the times when both parties agreed to retain basic discipline at the procedural level. We very much need to agree to that right now.

Democrats will continue to press for adoption of the Conrad-Domenici budget enforcement resolution as soon as possible, and we urge all Senators to support it.

CHALLENGES TO CONCURRENT RECEIPT OF BENEFITS FOR DISABLED VETERANS

Mr. REID. Mr. President, I have worked hard to make sure all the brave men and women who have served in our Armed Forces are treated fairly.

Many military retirees, like so many other Americans, have relocated to fast-growing Nevada because of its high quality of life. And Nevada is also home to some of the country's finest military installations.

Regardless of where our loyal veterans and service members live, they all deserve our gratitude, respect, and fair treatment.

For several years I have introduced and championed legislation that would end the unfair policy of denying America's disabled veterans retirement benefits they have earned through years of service and sacrifice.

Changing the current law that requires disabled retirees to forfeit a dollar of their earned retired pay for each dollar they receive in veterans' disability compensation is simply the right thing to do.

I am therefore extremely troubled that the Bush administration opposes a